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RICHMOND, VA., SATURDAY, AUGUST 28, 1909.

THE WEATHER TO-DAY—Cloudy.

PRICE TWO CENTS.

MYSTERY SHROUS HARRIMAN'S CASE

Only Scraps of News
Filter From Sick
Man's Chamber.

ROADS TO HOME CLOSELY GUARDED

Rumored That Operation Will Be
Performed, and Ohio Specialist
Is Said to Be Present.

Tanks of Oxygen Ar-
rive—All Lips
Are Closed.

ARLEN, N. Y., August 27.—What-
ever be E. H. Harriman's ail-
ment, whatever his true condi-
tion, the public is not to know until he
and his family decide that such an an-
nouncement is opportune. He is an
isolated invalid, with the nature of his
affliction a mystery to those outside his
mountain retreat. At the top of Tower
Hill, where the funicular railway stops,
road is picketed by guards and all
but one telephone wire—and that a
private one—severed, he spends his
days and nights in a seclusion that is
almost absolute.

Scraps of news dropped from the
lips of a relative, an associate and an
employee indicate that he spent a quiet
day, part of it out of doors, but there
were other incidents which led those
who are draining the meagre channels
of information to believe that all was
not so well.

There was the arrival at the station
at Turner, of two tanks—something
which may have had no bearing on
Mr. Harriman's illness—but which ap-
peared significant in that they were re-
corded on the bill of lading as "oxy-
gen."

Shortly afterward there came a small
collapsible cot, such as is used in hos-
pitals to move patients between wards.
Both were sent up to the estate.

Turner of Operation.

Coincident with the arrival of these
requisites is an operation, came two
men from New York, one of them car-
rying what appeared to be the black
bag of a surgeon. They were taken up
the incline to the house, and rumors
that Mr. Harriman was to be operated
upon spread broadcast. One of the
men, according to popular rumor, is
Dr. George W. Crile, of Cleveland,
Ohio, an eminent specialist in abdomi-
nal surgery. According to report, he
was summoned from Britton Woods, N.
H., to assist Dr. W. G. Lyle, of New
York, who has been Mr. Harriman's
physician since his illness began.

On the other hand, those who spoke
of Mr. Harriman to-day were inclined
toward optimism.

Dr. Lyle declined to make any com-
ment whatever, said former Judge
H. S. Lovett, general counsel for the
Harriman family, who has been his chief
daily, but when Robert L. Gerry, of
New York, Mr. Harriman's son-in-
law, denied that an operation was to
be performed, and said that Dr. Lyle
was the only physician in attendance.

Judge Lovett was urged to say
something concerning Mr. Harriman's
condition, but he replied: "I have de-
cided to say nothing, no matter what
is published. I don't wish to appear
discourteous, but I deem it best to keep
silent."

HURRICANE IS RAGING

Southern Ports Suffer in Most Violent

NEW ORLEANS, LA., August 27.—At
4 o'clock this afternoon the Weather
Bureau substituted for the storm
warning of this morning a hurricane
warning for the Texas coast. A dis-
turbance of marked intensity is now
centered over the Gulf off the mouth
of the Rio Grande River, and is mov-
ing northward. Persons in ex-
posed localities are advised to seek
places of safety.

With the windows of the pilot-
house broken in, the starboard deck
railing swept away, and showing the
evidence of her battle with a West
Indian hurricane in the Yucatan Chan-
nel, the United Fruit Company's
steamer Carthage arrived in port to-
night at Berre de Toro. No serious
injury was done the staunch vessel,
which made a successful two-hour
fight with the wind and waves and
reached port without casualties.

Refugees Tell of Storm.

BROWNVILLE, TEX., August 27.—
After spending the night at the quar-
antine station at Tarpon Beach, refu-
gees brought to the mainland to-day
by the life-saving crew from Brazos De
Santiago, tell of damage to the Pedro
and Brazos Islands as a result of the
Gulf storm which swept inland last
night.

At Tarpon Beach every building ex-
cept the light house and quarantine
station were either damaged or de-
stroyed, but as far as known no
lives were lost.

Throughout the day a wind and rain
storm continued through the valley
about Point Isabel, but no serious dam-
age was reported from that point to-
night. The water, however, had cov-
ered the pier and is still rising, the
wind blowing a gale of fifty miles an
hour and freshening.

Most Violent in Years.

MEXICO CITY, August 27.—With the
most violent gales in twenty years
thrashing the waters of the Gulf in
the vicinity of Mexican ports, and with
the wind estimated to be blowing at
the rate of from seventy-five to ninety
miles an hour, Vera Cruz, Tampico
and Matamoros have escaped severe
damage only because the path of the
hurricane followed a mean distance of
forty miles from the coast.

According to the calculations of the
local station, New Orleans will feel the
hurricane to-night.

So far as reported there has been no
damage to shipping in Mexican waters.

Officer Dies of Injuries.

CREMONA, ITALY, August 27.—The
summer manoeuvres of the Italian
army, now being conducted near Cre-
mona, have been marred by the death
of Lieutenant Count Rocca, who was
thrown from his horse and died of his
injuries. The count was the son of the
Duke of Venice.

ALL BERLIN HONORS COUNT

Reported That Kaiser Will Make Zep-
pelin a Prince.

BERLIN, August 27.—Count Zeppelin
alone occupies the minds of the popu-
lation of Berlin to-night and the wel-
come that has been prepared for his
coming to-morrow in the big airship
has never been equaled here. Since
Prince Bismarck's return from Ver-
sailles after the coronation in 1871 of
William I, as Emperor of Germany.

Most of the factories and offices and
all the schools will be closed, and the
Museum has ordered that the public be
decorated as is done on the occasion
of the Emperor's birthday.

Early this morning a thrill of satis-
faction went through the city when
it was announced that the Zeppelin
had departed at half-past six o'clock
from Friedrichshafen for Berlin, a dis-
tance of about 450 miles. Throughout
the day throngs crowded about the
bulletin boards, eagerly reading the
rapidly arriving messages announcing
the progress of the dirigible over va-
rious cities.

When the news came that a broken
propeller and a defective motor had
necessitated an unarranged landing at
Cottbus, near Nuremberg, the faces
of the people fell. They waited on
nevertheless, through a drenching rain
in the expectation of better tidings,
and when dispatches arrived announc-
ing the reconnection of the balloon and
its departure for Nuremberg, they
greeted them with shouts of joy.

Again when the bulletins said that
the dirigible had been brought to land
at Nuremberg, 150 miles on its jour-
ney, where repairs would be made to the
propeller and cylinders of the motor,
the disappointment was renewed, and
was relieved only when a telegram
was received from Count Zeppelin,
saying it was his confident belief that
the voyage would be con-
tinued during the night, and that the
airship probably would arrive at its
destination on schedule time.

Three or four years ago Count Ze-
ppelin was regarded as a visionary,
the laughing stock of the times to the
winds. Now he is honored as one of
our living German. It is generally
reported, but without confirmation, that
he will be created a prince by Em-
peror William, who arrived in Berlin
to-night to be present at the landing
place of the dirigible to-morrow.

ROBBERIES AT RHEIMS

Mrs. Livingston, of New York, Loses
Jewels Valued at \$4,000.

PARIS, August 27.—A dispatch from
Rheims to the Petit Parisien says that
the room occupied in the hotel there
by Mrs. J. B. Livingston, of New York,
was entered and the jewelry valued at
\$4,000 was stolen. Mrs. Livingston
explained that she took off her jewelry
and laid it on the dressing table while
she washed her hands. She forgot to
put it on again, and was absent from
the room for a moment. When she re-
turned she found that the jewelry had
vanished. A thorough search of the
building failed to show any trace of the
thieves. The police believe that the
work is that of experts, attracted to
the city by the throng of visitors.

An advertisement appears in a Paris
newspaper offering a reward of \$500
for jewels "lost at a Rheims hotel."
No questions asked.

The Prince and Princess de Sagan
deny that they have been robbed of
any valuables during their stay at
Rheims. Another report to the effect
that Mrs. George Gould was robbed
of her reticule containing jewelry to
the value of many thousands of dol-
lars, which was said to have been
taken from a box which she occupied in
the grandstand, also is denied. The
police officials declare they know noth-
ing of the matter.

BLACK KNIGHTS TO RESCUE

Pythians Swing Ornamental Swords
and Quell a Race Riot.

KANSAS CITY, MO., August 27.—
Swinging their swords above the heads
of the belligerents, and declaring that
unless the trouble ceased they would
use a company of negro knights of
Pythias to prevent it, the Pythians
promised to be a race riot during a
parade of the Supreme Lodge.

The trouble began when W. S. Jar-
boe, a laundryman, accompanied by his
wife, drove through the parade of 5,000
negro knights, and shouting "Go
home, niggers," provoked a mob of
Pythians. Several negroes not in the
line of march seized the bride of the
house.

"You can't pass here!" they shouted.
Mrs. Jarboe caught up a whip and
struck at the men. Instantly a hun-
dred of negroes crowded about the
wagon. One wrestled the whip from
Mrs. Jarboe, striking her a number
of times and inflicting painful bruises.

Many white men rushed to the aid
of the laundryman. A riot call was
sent to police headquarters, and about
midnight, at the pavilion on
the officers arrived the armed knights
had restored order.

MAY BREAK DEADLOCK

Comptroller Jones Compelled by Man-
damus to Attend Meeting.

COLUMBIA, S. C., August 27.—The
deadlock in the State Board of an-
niversaries over the recent House elec-
tion bids fair to be broken to-morrow.
Comptroller-General Jones, who left
the meeting with the vote a tie, break-
ing the quorum, has been expected to
attend, Judge Patrick having granted a
writ of mandamus. Another mem-
ber of the board, who has not been
present, also will attend.

The discussion, which resulted in Mr.
Jones leaving the meeting, arose over
the rights of the board; two members
holding that it was within their privi-
leges to declare unconstitutional the
whole act under which the election
was held. The other two members
present controverted this assertion of
rights, and the deadlock resulted.
Until the deadlock is broken the dis-
cussions in the State must remain
closed.

SECTION OF FLOOR GIVES WAY

Thirty Persons Injured by Accident at
Dancing Pavilion.

SOUTH COVENTRY, CONN., Aug-
ust 27.—A bad accident shortly be-
fore midnight, at the pavilion on
lakeside park, brought to a sudden
end the evening's festivities of the
South Coventry trolley celebration.

Dancing was in progress on the sec-
ond floor, which was crowded with
dancers and spectators, when, without
warning, a section of the floor, twenty
feet long and twelve feet wide, gave
way, carrying thirty persons with it to
the ground, a distance of twelve feet.
All those who fell were wounded in
a hole had to be made in the side
of the building to get them out. All
injuries were more or less injured, but none
fatal.

KNEEL IN PRAYER WHILE GUNS ROAR

Spaniards Complete Im-
pressive Service and
Then Attack Enemy.

SHELLED BY MOORS DURING REQUIEM

Tribesmen Refuse to Yield to
Will of Sultan and Declare They
Will Continue War Until
Foreigners Are Driven
From All Posi-
tions.

MELILLA, MOROCCO, August 27.—
A solemn requiem mass for the
repose of the souls of the large
number of Spanish officers and men
killed in the sanguinary battle with
the Moors on July 27 was dramati-
cally celebrated this morning. It was at-
tended by the survivors of the brigade
of General Pintos, who met death in
the engagement, and by officers and
delegations of men from all sections
of the army.

Battle During Service.
The altar was decorated with flow-
ers and surrounded by four cannon,
firing guns and stacked rifles. At
the moment of the elevation of the
Host, the Moors opened a fierce fire
from a distance, and the guns of Fort
Camellos roared a response. Notwith-
standing the attack, however, the re-
ligious ceremony was completed, after
which a deluge of troops and artillery
did considerable damage to the camps
of the enemy, in one of them blowing
to pieces a group of tribesmen and
their women.

The engagement of July 27 was
fiercely contested, costing the Spanish
forces more than 200 dead and wound-
ed, their slain including General Pintos,
two lieutenant-colonels commanding
naval contingents, and a large num-
ber of other officers.

The enemy attacked Sidimusa and
other of the advance Spanish positions
on Wednesday evening. The Spanish
artillery replied vigorously, and the
Moors sustained numerous losses.

The steamer Sevilla has transported
two companies of chasseurs to Res-
tinga.

Will Continue War.
MADRID, August 27.—Special dis-
patches from Melilla, Morocco, say that the Moorish chiefs,
after further consideration of the
communication from Sultan Mulai Hafid,
requesting them to cease their hostil-
ties against Spaniards, finally decided
to continue the war until the Span-
iards had been driven from all their
positions beyond Melilla.

MOORISH PRISONER CAPTURED

FEZ, MOROCCO, Tuesday, August 24.
—Confined in an iron cage, strapped to
the back of a swaying camel, El Roghi,
the rebellious subject of the Sultan of
Morocco, who was captured recently
by imperial troops, was marched
through the streets of Fez this morn-
ing, escorted by a strong guard.

The picturesque prisoner to the throne
entered his prison calmly and disdained
the jeers of the populace at his heels. He
was led to the Sultan, who, seated un-
der a pavilion, questioned him closely.
After the interview, El Roghi, still in
his cage, was taken within the palace
walls.

SHIP SINKS AND FIVE DROWN

Steamer Goes Down, but 125 Passengers
Are Rescued.

SEATTLE, WASH., August 27.—Five
lives were lost in the sinking of the
Alaska Steamship Company's steamer
Ohio, off Steep Point, Alaska, early to-
day. The vessel was crowded with pas-
sengers, but all these escaped, the vic-
tims being employees. The loss of the
steamer and the cargo is total.

The drowned are Purser F. J. Steph-
en, of Seattle; Wireless Operator
George E. Livingston; two
seamen and the quartermaster, the
names not given.

The wireless dispatch says the Ohio
sank in three minutes. This probably
means she was on a reef a consider-
able time, and that the passengers
were all off before the ship slid into
deep water, which she did so speedily
as to carry down five of the crew.

Some of the passengers were carried
ashore in lifeboats and taken by the
fishing boat Kingsfisher to Swanson
Bay. Others were put on the Hum-
boldt and the Rupert City. The Hum-
boldt's rescued passengers will be
landed at Ketchikan, while the Rupert
City is taking her passengers to Van-
couver.

A Dolphin, another ship of the
Alaska Steamship Company, due at
Ketchikan to-night, was ordered by
wireless to stand by in Swanson Bay
and give assistance.

The Ohio was insured for \$220,000.
Captain John Johnson, her navigator,
was regarded as one of the most skilful
on the Pacific coast.

HAD FREE FIREWORKS

Burning Standard Oil an Added At-
traction at Asbury Carnival.

ASBURY PARK, N. J., August 27.—
Sixteen thousand gallons of burning
kerosene and 1,700 gallons of gasoline
belonging to the Standard Oil Com-
pany furnished free illumination not
on the program here to-night for the
opening of Asbury Park's annual car-
nival.

The flames spread to a neighboring
lumber yard and a coal trestle, doing
damage estimated in all at \$50,000, of
which the heaviest share will fall on
the Standard Oil Company.

Street Car Kills One, Injures Two.
TOLEDO, OHIO, August 27.—Louis
Reithorn, seventy, was instantly killed
and his wife, Anna, sixty-eight, and
her sister, Emma Wheeler, were prob-
ably fatally injured when a buggy in
which they were riding was struck by
a street car last night. The acci-
dent happened near Riverside Park,
where several thousand persons were
watching a Venetian night display on
the river.

TROUBLE BREWING IN STRIKE ZONE

Repetition of Bloody
Riots of Sunday
Hourly Expected.

WORKMEN FLOCK FROM CAR PLANT

Declare That They Were Treated
Worse Than Dogs, and That
Bosses Threatened to Blow
Their Heads Off if They
Tried to Give
Up Jobs.

PITTSBURGH, PA., August 27.—At
sundown to-day sixty State
troopers, on guard at the plant
of the Pressed Steel Car Company, in
Schoenerville, where 3,500 employees
of that concern are striking, anticipated
before another twenty-four hours a
repetition of the "bloody corner" riots
of last Sunday night.

Trouble is feared for several rea-
sons, the principal one being the fact
that all during the day, imported
workmen have been deserting the car
plant in droves of from two to 200. The
men declare unequivocally that they
have been misused, subjected to indig-
nities and that they will work whether they
wish to do so or not.

Spirit of Unrest.
To-night a spirit of unrest pervades
McKee's Rocks and the strike zone. The
strikers declare that before morning
the Pressed Steel Car Company will be
forced to suspend operations. But
300 workmen were left in the plant
at sundown, the deserting workmen
declare.

The grounds surrounding the river
gate of the Pressed Steel Car Company
presented a picturesque sight to-night.
Encamped there were over 300 work-
men who left the works during the
day, and who say they will stay near
the plant until they are given work,
at least a portion of the wages due
them. The encamped workmen de-
clare they will stay on watch at the
company's gates until they are forced
to retire.

Stories told by the workmen who
have quit their jobs in the plant are
almost unbelievable. According to
these workmen, conditions were prac-
tically unbearable inside the car plant
stockade. Soup prepared from bad
vegetables was served to them, they
declare, by negro waiters, picked up
from employment agencies in the
slums of Pittsburgh. They were charged
exorbitant prices for clothing, even
3-cent stamps selling at four for 10
cents in the car company's commissary.

These stories were made the
subject of affidavits late to-day in the
government probe into alleged poe-
nary conditions at the plant. At the
hearing to-night several witnesses de-
clared that they had been "treated
worse than dogs"; that the company
hired negroes to keep up the strikes,
and that its bosses had "threatened to
blow heads off with revolvers."

Charges that gambling was allowed to
go unchecked in the commissary
were also made.

IN MEMORY OF HAMLIN

Bowler Placed Near House Where He
Was Born 100 Years Ago.

PARIS, MAINE, August 27.—To com-
memorate the memory of Hannibal
Hamlin, Vice-President of the United
States, 1861-65, a huge bowler placed
by local citizens on a lot directly in
front of the Hamlin homestead, in
which he was born just 100 years ago,
and bearing a suitably inscribed bronze
tablet, was unveiled to-day under the
auspices of Maine Commandery, Mil-
itary Order of the Loyal Legion of the
United States.

General Joshua L. Chamberlain, of
Brunswick, presided at the exercises,
which were held in the Baptist Church,
and the program included the names
of a number of speakers, including
Governor Fernald, former Secretary
of the Navy John D. Long, Senator Eu-
gene Hale and Charles S. Hamlin, of
Boston.

PUBLICATION FORBIDDEN

Court Orders Newspapers to Omit Sto-
ries of Grand Jury.

YOUNGSTOWN, O., August 27.—For
the first time in the history of Mahon-
ing county, newspaper publishers were
ordered by a court to-day to refrain
from publishing stories regarding the
actions of a grand jury.

Judge Robinson issued a special de-
gree shortly after the grand jury,
which has been investigating the
murder of a woman, saying that no news
should be printed about the investiga-
tions unless indictments were returned.
Twenty-five women were examined
by the grand jury to-day. The grand
jury is composed of farmers and busi-
ness men.

JAPANESE PRESS PLEASED

General Appreciation of China's Con-
ciliatory Attitude.

TOKYO, August 27.—The press her-
expresses general appreciation of
the conciliatory attitude of the govern-
ment of the Manchurian problems, which
have lately involved Japan and China in
what promised to be a serious mis-
understanding. It is felt here that the
universal rejoicing over the peaceful
settlement of the trouble presages a
growing friendship between the two
countries, which will bring the peace
and economic development of the Far
East.

FASTEST OF HER CLASS

Battleship South Carolina Makes Good
Trial Run.

LEWES, DELAWARE, August 27.—The
battleship South Carolina finished her
official trial runs off the Delaware
capes to-day, and the consensus of
opinion of the experts is that she is
the fastest and most economical in coal
consumption of any battleship in her
class. On the four-hour endurance run
of the Navy Winchester to the Balti-
more Gun Club and Sons of Philadelphia,
will receive one award, and the New
York Shipbuilding Company the other.

WORKMEN HURLED TO AWFUL DEATH

Lighted Cigarette in
Box of Fuses Causes
Explosion.

12 KILLED AND MANY INJURED

Bodies, With Tons of Earth,
Thrown Nearly Hundred Feet
Into Air and Torn to Pieces.
Five Others Expected
to Die from
Wounds.

KEY WEST, FLA., August 27.—As
the result of an explosion of 700
pounds of dynamite at noon to-
day at Boca Chica, twelve miles from
Key West, on the Florida East Coast
Railway, twelve men are dead, five are
probably fatally hurt, and at least a
dozen others are suffering from less
serious injuries. The explosion was
caused when a member of the railroad
construction force carelessly threw a
lighted cigarette into a box of fuses.
Nine of the workmen met instant
death, and the tenth died while being
taken to a hospital here. The men
were hurled into the air, and the bod-
ies of the dead were almost beyond
recognition, arms and legs being torn
from some, while the faces of others
were mere masses of flesh.

Hurled Into Air.
When the explosion occurred the
workmen were standing in water four
feet deep. Directly beneath them was
the 700 pounds of dynamite, ready for
the blast, when they should stop work
for dinner.

According to some of the wounded,
a workman, one of the men on the most
distant end of the line, threw a lighted
cigarette, not noticing that it fell into
the box containing the fuses, which
were connected with the heavy charges
of explosives beneath them. A few
seconds, and the men, water, mud and
tons of dirt were thrown seventy to
ninety feet in the air.

Tugs at once brought the dead and
the more seriously wounded to this
city. Those less seriously injured were
placed on Stock Island, opposite Boca
Chica, and will be brought to Key
West later.

Most of the victims of the explosion
arrived here from New York last Sun-
day.

The dead: J. Kelly, M. Surkey, J.
Brennan, T. Conover, J. Gallagher, T.
Linahan, J. Garrity, T. Travis, J. Mo-
harr, T. Doran, two unidentified.

Probably fatally injured: James Gal-
lagher, aged forty, Brooklyn, N. Y.;
Timothy McDonald, aged fifty-four,
blacksmith, Cork Island; E. Hannan,
assistant foreman, aged thirty-three,
Brooklyn, N. Y.; James McMahon, aged
forty-five, New York; James Sands,
New York.

Late this afternoon six additional of-
ficials of the railroad arrived here, and
brought to the hospital here. Their
injuries are not considered fatal.

About fifty men were at work, all
close together, when the box of fuses
was discovered ablaze, and had it not
been for the quick action of the men
by the dredge Manteo, it is doubtful
if a third of the men would have
escaped with their lives.

There is some contention as to the
cause of the explosion. An inquest will
be held to-morrow.

EXPLOSION, FIRE, PANIC

Men and Women Fought Madly to Es-
cape Flames in Factory.

WABERLY, IOWA, August 27.—In
a panic of 300 employees of the Kelly
canning factory to escape from the
second floor, where a gasoline tank
had exploded, and a fire broke out in
the room, George McRoberts was killed,
three persons were probably fatally in-
jured and a score of others were se-
verely hurt. The building was de-
stroyed by the fire which followed the
explosion, the loss amounting to
\$20,000.

Most of the employees are women,
young men and girls. All were ex-
cited by the shower of flames, and with
cries of fear, ran for the stairs and
the windows.

The score at the second hour stood
as follows:
Ranney, No. 10, 100 miles; Lozier,
No. 5, 99; Renault, No. 1, 97; Acme,
No. 4, 90; Palmer-Singer, No. 2, 85;
Haupt, No. 9, 72; Fiat, No. 5, 63; Acme,
No. 3, 60; Allen Kingston, No. 8, 54.

BIDS WERE ALL THE SAME

Bethlehem, Carnegie and Midvale Com-
panies Got Contracts for Armor Plates.

WASHINGTON, D. C., August 27.—
Contracts for the main armor of the
new battleships Arkansas and Wyom-
ing, amounting to about 12,000 tons,
were awarded to-day by Acting Secre-
tary of the Navy Winthrop to the Beth-
lehem, Carnegie and Midvale Steel
Companies. They will furnish almost
equal portions, their prices having
been the same.

Mr. Winthrop announced to-day that
the award of the contracts for the con-
struction of the battleships Arkansas and
Wyoming would not be made until the
return to Washington of Rear-Admiral
Cone, chief of the Bureau of Steam
Engineering, whom he desired to
consult about various features of
the machinery. It is expected that
William Cramp & Sons of Philadelphia,
will receive one award, and the New
York Shipbuilding Company the other.

Five Coal Miners Killed.
CARDIFF, WALES, August 27.—Five
coal miners were killed and twelve
others seriously injured in the naval
colliery at Rhonda to-day through the
falling of an elevator cage. The con-
ducing rod broke and the cage was
dashed to the bottom of the shaft.

BATTLE WITH POSSE

Two Negroes Lynched, Planter Killed,
and Sheriff Shot in Georgia.

SOPHETON, GA., August 27.—Two
negroes lynched and a posse in pur-
suit of the wife of one of the victims;
the killing of a prominent planter, a
member of the posse; the probable fatal
injury of the